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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,352	08/01/2000	James S. Bernardo	17924/301	6524

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EXAMINER

SOUW, BERNARD E

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/629,352

Applicant(s)

BERNARDO, JAMES S.

Examiner

Bernard E Souw

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Norman et al. (USPAT # 5,243,340, addressed hereafter as Norman'340).

Norman'340 discloses a monitoring system for a luminaire shown by numeral 20 in Fig.3, comprising:

- a sensing unit 18 attached to the luminaire 20, so that sensing unit 18 can measure the electrical operating characteristics of the luminaire, as recited in Col.6/ll.1-2;
- a control unit 16 operatively coupled to the sensing unit 18 to receive measurements from the sensing unit 18, as disclosed in Col.6/ll.2-3;

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- a monitor 4 operatively coupled to the control unit 16, as recited in Col.6/ll.3-4, to display on screen 6 an indication of the operative status of the luminaire 20, as recited in Col.6/ll.6-9.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5, 9-14, 19-21, 28, 29 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman'340.

► Regarding claims 2, 9, 12-14, 21-24 and 35, Norman'340's sensing unit 18 is a (plurality of) lighting electronic unit(s) (Col.2/ll.32-34), which is known in the art to include current and voltage measuring devices, as indicated by voltage regulator 41 in Fig.4 recited in Col.6/ll.59-63, which inherently includes a voltage measuring device, as generally known in the art. Extension to further include measuring devices for current and other operating parameters of the luminaire is well known in the art.

► Regarding claims 28 and 36, Norman'340's monitoring system includes a display screen 6 shown in Fig.3 for providing a visual indication regarding the operational status of the plurality of luminaries 20, as recited in Col.6/ll.6-9.

► Regarding claims 5, 10, 11, 19, 20, 29 and 37, Norman'340's monitoring system includes a master controller 4 or 14 shown in Fig.3, coupled to a related device for

providing control signals which will effect the operation of the related device based on the condition of at least one of the plurality of luminaires 20, as recited in Col.6/II.64-68 regarding a battery back-up to be activated in case of power failure, and in Col.3/II.17-23 as well as in the Abstract/II.7-10 regarding a second set of luminaires to be activated in case of a (filament) failure of at least one of the operating luminaries.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include measuring devices for current, voltage, and other operating parameters in Norman'340's monitoring system, since these devices are standard equipment for monitoring electrical systems.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include battery back-up system and a second set of luminaries, to be activated by a master controller whenever needed, in Norman'340's monitoring system, in order to prevent an interruption of the luminaire's function that may cause undesirable, or even dangerous & hazardous circumstances.

4. Claims 3, 6, 7, 15-17, 25-27, 31, 39, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman'340 in view of Grebe et al. (USPA # 5,973,616).

Norman'340 recites all the limitations of claims 3, 6, 7, 15-17, 25-27, 31, 39, 42 and 43, as previously applied to their respective parent claims 1, 5, 9, 21, 29 and 37, except for specific recitations that are rendered obvious by Grebe et al., as described in the following:

► Regarding claims 3, 15-17, 25-27, 42 and 43, Grebe's monitoring system includes a transmitter 34 and a receiver 14, both being parts of a 2-way transceiver or pager 10 shown in Fig.1, as recited in Col.3/ll.2-40 & 62-64.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a transmitter/receiver, a transceiver, or a pager, in order to quickly get a help for handling an acute situation that is dangerous or hazardous.

► Regarding claims 6, 7, 31-34 and 39-41, in case of a luminaire failure Norman's monitoring system is used to control and/or activate a back-up system, which includes a second system of luminaries, as already recited previously in the rejection of claims 5, 10, 11, 19, 20, 29 and 37. This second system may be a traffic light as disclosed by Grebe et al., and/or a street light as inherent in Norman's 340's invention (airport lighting also encompasses airport traffic lights). Especially regarding claim 33, to make the traffic light flash is well-known in the art, and is conventionally understood as a warning.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically or expediently change the operation status of a (nearby or especially installed) traffic light, as taught by Grebe et al., whenever needed in order to influence the traffic as an emergency measure. A specific motivation to combine the prior arts is here not needed, since it is within the general skill and capability of any person having ordinary skill in the pertinent art, drawn from the specific condition of the emergency situation(s) that such a person would have been able to anticipate.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman'340 in view of Chen (USPAT # 6,060,994) or Petite (USPAT # 6,218,953 B1).

Norman'340 shows all the limitations of claim 4, as previously applied to the parent claim 1 above, except the recitation of coupling the monitor to the Internet.

Chen discloses a monitoring system for electrical devices (that may as well include lamps and luminaries), as recited in the Title as well as the Abstract. Chen's monitor 4 shown in Fig.1 is connected to the Internet, as recited in Col.2/ll.34-37, so that remote access is provided to the monitor, as further recited in Col.2/ll.37-39.

Alternatively, Petite describes a monitoring system for electrical devices (that may as well include lamps and luminaries), as recited in the Title as well as the Abstract. Petite's central monitor 118 shown in Fig.10 is connected to the Internet, as disclosed in Col.13/ll.22-25.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to connect Norman'340's central monitor to the Internet, since this is today a popular way to provide any participant a comprehensive information about the electrical system being watched, including an access to a visual display of the current situation. There is no motivation needed, since utilizing the Internet to convey messages and visual displays is as desired as well known to everybody, even to those not particularly skilled in the pertinent art.

6. Claims 8, 30 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman'340 as applied to claims 5, 29 and 37 above, and further in view of Hamm et al. (USPAT # 5,774,052).

Norman'340 shows all the limitations of claims 8, 30 and 38, as previously applied to the parent claims 5, 29 and 37 above, except the recitation of using controlling an ATM when the luminaire surrounding it is inoperative.

Hamm et al. describe a monitoring system that observes the light level surrounding an ATM, as recited in the Abstract/II.7-10. Hamm's ATM is temporarily shut down, if the light level does not reach or maintain the desired light level, such as a condition caused by a failure of the lighting system, as recited in the Abstract/II.10-16.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Norman'340's system for monitoring the light level surrounding an ATM, so that the ATM may be shut down if the latter is not sufficiently illuminated, as taught by Hamm et al., in order to reduce the statistics of criminal acts committed at ATMs, as suggested by Hamm et al. in Col.1/II.37-48.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Norman'340 in view of Pavarotti et al. (USPAT # 5,644,304)

Norman'340 shows all the limitations of claim 18, as previously applied to the parent claim 9 above, except the recitation of directly connecting the monitoring equipment and the controller system via a communication bus.



Pavarotti et al. disclose an automatic monitoring & controlling system shown in Fig.5, which transfers data from a monitoring unit to a remote computer through a Communication Bus, as recited in Col.6/II.46-51.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a Communication Bus for data transfer between remotely located computers, since this is a conventional method for which standard interfaces are readily available.

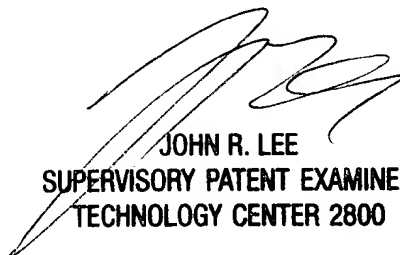
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw whose telephone number is 703 305 0149. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 703 308 4116. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9318 for regular communications and 703 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.

bes

August 7, 2002



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